

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1587

Introduced by Senator Lowenthal

February 24, 2006

An act to amend *Section 65080 of the Government Code, and to amend Sections 2331, 2333, and 2333.5 of the Streets and Highways Code, relating to highways transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1587, as amended, Lowenthal. ~~Highway~~ *Transportation planning: highway safety: federal funds.*

(1) *Existing law requires transportation planning agencies to adopt and submit an updated regional transportation plan to the California Transportation Commission and the Department of Transportation every 3 years, except that a transportation planning agency that does not contain an urbanized area may, at its option, submit an updated plan every 4 years.*

This bill would instead require a transportation planning agency to submit an updated regional transportation plan every 4 years, except that a transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area could, at its option, submit an updated plan every 5 years.

(2) Existing federal law contains appropriations for a number of programs related to projects for the improvement of highway safety and the reduction of traffic congestion. Existing state law authorizes certain state and local entities to secure and expend the federal funds for these purposes.

This bill would make changes to the federal law references in these provisions to conform to recent changes in federal law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 65080 of the Government Code is*
2 *amended to read:*

3 65080. (a) Each transportation planning agency designated
4 under Section 29532 or 29532.1 shall prepare and adopt a
5 regional transportation plan directed at achieving a coordinated
6 and balanced regional transportation system, including, but not
7 limited to, mass transportation, highway, railroad, maritime,
8 bicycle, pedestrian, goods movement, and aviation facilities and
9 services. The plan shall be action-oriented and pragmatic,
10 considering both the short-term and long-term future, and shall
11 present clear, concise policy guidance to local and state officials.
12 The regional transportation plan shall consider factors specified
13 in Section 134 of Title 23 of the United States Code. Each
14 transportation planning agency shall consider and incorporate, as
15 appropriate, the transportation plans of cities, counties, districts,
16 private organizations, and state and federal agencies.

17 (b) The regional transportation plan shall include all of the
18 following:

19 (1) A policy element that describes the transportation issues in
20 the region, identifies and quantifies regional needs, and describes
21 the desired short-range and long-range transportation goals, and
22 pragmatic objective and policy statements. The objective and
23 policy statements shall be consistent with the funding estimates
24 of the financial element. The policy element of transportation
25 planning agencies with populations that exceed 200,000 persons
26 may quantify a set of indicators including, but not limited to, all
27 of the following:

28 (A) Measures of mobility and traffic congestion, including, but
29 not limited to, vehicle hours of delay per capita and vehicle miles
30 traveled per capita.

31 (B) Measures of road and bridge maintenance and
32 rehabilitation needs, including, but not limited to, roadway
33 pavement and bridge conditions.

1 (C) Measures of means of travel, including, but not limited to,
2 percentage share of all trips (work and nonwork) made by all of
3 the following:

- 4 (i) Single occupant vehicle.
- 5 (ii) Multiple occupant vehicle or carpool.
- 6 (iii) Public transit including commuter rail and intercity rail.
- 7 (iv) Walking.
- 8 (v) Bicycling.

9 (D) Measures of safety and security, including, but not limited
10 to, total injuries and fatalities assigned to each of the modes set
11 forth in subparagraph (C).

12 (E) Measures of equity and accessibility, including, but not
13 limited to, percentage of the population served by frequent and
14 reliable public transit, with a breakdown by income bracket, and
15 percentage of all jobs accessible by frequent and reliable public
16 transit service, with a breakdown by income bracket.

17 (F) The requirements of this section may be met utilizing
18 existing sources of information. No additional traffic counts,
19 household surveys, or other sources of data shall be required.

20 ~~(G) For the region defined in Section 66502, the indicators~~
21 ~~specified in this paragraph shall be supplanted by the~~
22 ~~performance measurement criteria established pursuant to~~
23 ~~subdivision (c) of Section 66535, if that subdivision is added to~~
24 ~~the Government Code by Section 1 of Senate Bill 1995 of the~~
25 ~~1999-2000 Regular Session.~~

26 (2) An action element that describes the programs and actions
27 necessary to implement the plan and assigns implementation
28 responsibilities. The action element may describe all projects
29 proposed for development during the 20-year life of the plan.

30 The action element shall consider congestion management
31 programming activities carried out within the region.

32 (3) (A) A financial element that summarizes the cost of plan
33 implementation constrained by a realistic projection of available
34 revenues. The financial element shall also contain
35 recommendations for allocation of funds. A county transportation
36 commission created pursuant to Section 130000 of the Public
37 Utilities Code shall be responsible for recommending projects to
38 be funded with regional improvement funds, if the project is
39 consistent with the regional transportation plan. The first five
40 years of the financial element shall be based on the five-year

1 estimate of funds developed pursuant to Section 14524. The
2 financial element may recommend the development of specified
3 new sources of revenue, consistent with the policy element and
4 action element.

5 (B) The financial element of transportation planning agencies
6 with populations that exceed 200,000 persons may include a
7 project cost breakdown for all projects proposed for development
8 during the 20-year life of the plan that includes total expenditures
9 and related percentages of total expenditures for all of the
10 following:

- 11 (i) State highway expansion.
- 12 (ii) State highway rehabilitation, maintenance, and operations.
- 13 (iii) Local road and street expansion.
- 14 (iv) Local road and street rehabilitation, maintenance, and
15 operation.
- 16 (v) Mass transit, commuter rail, and intercity rail expansion.
- 17 (vi) Mass transit, commuter rail, and intercity rail
18 rehabilitation, maintenance, and operations.
- 19 (vii) Pedestrian and bicycle facilities.
- 20 (viii) Environmental enhancements and mitigation.
- 21 (ix) Research and planning.
- 22 (x) Other categories.

23 (c) Each transportation planning agency may also include
24 other factors of local significance as an element of the regional
25 transportation plan, including, but not limited to, issues of
26 mobility for specific sectors of the community, including, but not
27 limited to, senior citizens.

28 (d) ~~Each~~ *Except as otherwise provided in this subdivision,*
29 *each* transportation planning agency shall adopt and submit,
30 every ~~three~~ *four* years, an updated regional transportation plan to
31 the California Transportation Commission and the Department of
32 Transportation. ~~The A transportation planning agency located in~~
33 *a federally designated air quality attainment area or that does*
34 *not contain an urbanized area may at its option adopt and submit*
35 *a regional transportation plan every five years. When applicable,*
36 *the plan shall be consistent with federal planning and*
37 *programming requirements and shall conform to the regional*
38 *transportation plan guidelines adopted by the California*
39 *Transportation Commission.* ~~A transportation planning agency~~
40 ~~that does not contain an urbanized area may at its option adopt~~

1 ~~and submit a regional transportation plan once every four years~~
2 ~~beginning by September 1, 2001.~~ Prior to adoption of the
3 regional transportation plan, a public hearing shall be held, after
4 the giving of notice of the hearing by publication in the affected
5 county or counties pursuant to Section 6061.

6 ~~SECTION 1.~~

7 *SEC. 2.* Section 2331 of the Streets and Highways Code, as
8 amended by Section 1 of Chapter 392 of the Statutes of 2004, is
9 amended to read:

10 2331. (a) The Highway Safety Act of 1973 (23 U.S.C. Sec.
11 401 et seq.) has authorized appropriations for a number of
12 programs relating to projects for the improvement of highway
13 safety and the reduction of traffic congestion. These programs
14 consist of the rail-highway crossings program (Section 203 of the
15 Highway Safety Act of 1973), the pavement marking
16 demonstration program (23 U.S.C. Sec. 151), projects for
17 high-hazard locations, including, but not limited to, projects for
18 bicycle and pedestrian safety and traffic calming measures in
19 those locations (23 U.S.C. Sec. 148), program for the elimination
20 of roadside obstacles (23 U.S.C. Sec. 153), and the federal-aid
21 safer roads demonstration program (23 U.S.C. Sec. 405). The
22 purpose of this chapter is to implement these programs in this
23 state. The commission, the department, boards of supervisors,
24 and city councils are authorized to do all things necessary in their
25 respective jurisdictions to secure and expend federal funds in
26 accordance with the intent of that federal act and this chapter,
27 and to coordinate with local law enforcement agencies'
28 community policing efforts.

29 (b) This section shall remain in effect only until January 1,
30 2008, and as of that date is repealed, unless a later enacted
31 statute, that is enacted before January 1, 2008, deletes or extends
32 that date.

33 ~~SEC. 2.~~

34 *SEC. 3.* Section 2331 of the Streets and Highways Code, as
35 amended by Section 2 of Chapter 392 of the Statutes of 2004, is
36 amended to read:

37 2331. (a) The Highway Safety Act of 1973 (21 U.S.C. Sec.
38 401 et seq.) has authorized appropriations for a number of
39 programs relating to projects for the improvement of highway
40 safety and the reduction of traffic congestion. These programs

1 consist of the rail-highway crossings program (Section 203 of the
2 Highway Safety Act of 1973), the pavement marking
3 demonstration program (23 U.S.C. Sec. 151), projects for
4 high-hazard locations (23 U.S.C. Sec. 148), program for the
5 elimination of roadside obstacles (23 U.S.C. Sec. 153), and the
6 federal-aid safer roads demonstration program (23 U.S.C. Sec.
7 405). The purpose of this chapter is to implement these programs
8 in this state. The commission, the department, boards of
9 supervisors, and city councils are authorized to do all things
10 necessary in their respective jurisdictions to secure and expend
11 those federal funds in accordance with the intent of the federal
12 act and of this chapter.

13 (b) This section shall become operative on January 1, 2008.

14 ~~SEC. 3.~~

15 *SEC. 4.* Section 2333 of the Streets and Highways Code, as
16 amended by Section 3 of Chapter 392 of the Statutes of 2004, is
17 amended to read:

18 2333. (a) In each annual proposed budget prepared pursuant
19 to Section 165, there shall be included an amount equal to the
20 estimated apportionment available from the federal government
21 for the programs described in Sections 2331 and 2333.5. The
22 commission may allocate a portion of those funds each year for
23 use on city streets and county roads. For projects authorized
24 under Section 2333.5 and receiving funding under this section,
25 the department may substitute State Highway Account funds in
26 accordance with the department's policy for state funding in
27 place at the time of the project fund allocation, if those federal
28 funds are directed to projects on state highways that are eligible
29 for funding under Section 148 of Title 23 of the United States
30 Code. It is the intent of the Legislature that the commission
31 allocate the total amount received from the federal government
32 for all of the programs described in Sections 2331 and 2333.5 in
33 a manner that, over a period of five years, makes not less than
34 one million dollars (\$1,000,000) of those funds available for use
35 pursuant to Section 2333.5 and the remaining funds available for
36 use in approximately equal amounts on state highways, local
37 roads, and the program established under Section 2333.5. In
38 addition, it is the intent of the Legislature that the commission
39 shall apportion for use, in financing the railroad grade separation
40 program described in Section 190, a substantial portion of the

1 funds received pursuant to the federal rail-highway crossings
2 program. Notwithstanding any other provision of law, the share
3 of any railroad of the cost of maintaining railroad crossing
4 protection facilities funded, in whole or in part, by funds
5 described in Section 2331 shall be the same share it would be if
6 no federal funds were involved and the crossing protection
7 facilities were funded pursuant to an order of the Public Utilities
8 Commission pursuant to Section 1202 of the Public Utilities
9 Code; and in case of dispute, the Public Utilities Commission
10 shall determine that share pursuant to this section.

11 (b) This section shall remain in effect only until January 1,
12 2008, and as of that date is repealed, unless a later enacted
13 statute, that is enacted before January 1, 2008, deletes or extends
14 that date.

15 ~~SEC. 4.~~

16 *SEC. 5.* Section 2333.5 of the Streets and Highways Code is
17 amended to read:

18 2333.5. (a) The department, in consultation with the
19 Department of the California Highway Patrol, shall establish and
20 administer a “Safe Routes to School” construction program
21 pursuant to the authority granted under Section 148 of Title 23 of
22 the United States Code and shall use federal transportation funds
23 for construction of bicycle and pedestrian safety and traffic
24 calming projects.

25 (b) The department shall make grants available to local
26 governmental agencies under the program based on the results of
27 a statewide competition that requires submission of proposals for
28 funding and rates those proposals on all of the following factors:

- 29 (1) Demonstrated needs of the applicant.
30 (2) Potential of the proposal for reducing child injuries and
31 fatalities.
32 (3) Potential of the proposal for encouraging increased
33 walking and bicycling among students.
34 (4) Identification of safety hazards.
35 (5) Identification of current and potential walking and
36 bicycling routes to school.
37 (6) Consultation and support for projects by school-based
38 associations, local traffic engineers, local elected officials, law
39 enforcement agencies, school officials, and other relevant
40 community stakeholders.

(c) With respect to the use of funds provided in subdivision (a), prior to the award of any construction grant or the department's use of those funds for a "Safe Routes to School" construction project encompassing a freeway, state highway or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the "Safe Routes to School" proposal compliments the California Highway Patrol's Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.

(d) The department shall continue to study the effectiveness of the program established under this section, and shall submit, on or before March 1, 2007, a report of its findings to the Legislature. The report shall include, but need not be limited to, the following elements:

(1) An evaluation of the program's impact on accident, injury, and fatality rates involving pedestrians or bicycles in the vicinity of the projects. As a subset, this element shall specifically address impacts on rates of fatalities and injuries to children.

(2) An evaluation of the program's impact on rates of bicycling and walking as modes of transportation to or from schools located in the vicinity of the projects.

(3) An evaluation of the potential safety effects of spending the program funds on other state and local safety programs, including a comparison of the relative safety effects of spending the available funds on the "Safe Routes to School" construction program or on the state and local highway safety programs and, to the extent possible within that comparison, the impacts on rates of fatalities and injuries to children.

(e) The department is encouraged to coordinate with local law enforcement agencies' community policing efforts in establishing and maintaining the "Safe Routes to School" construction program.

(f) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.